

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

JARED CARTY and PIMPORN CARTY,)	
)	
)	C.A. No. 5:20-cv-05585-JFL
Plaintiffs,)	
)	
v.)	
)	
STEEM MONSTERS CORP.)	
(d/b/a Splinterlands) (successor to Steem)	
Monsters LLC), STEEM ENGINE CORP.,)	
BLAIRE JESSE REICH, and MATTHEW)	
J. ROSEN,)	
)	
Defendants.)	

ANSWER TO COUNTERCLAIM

Plaintiffs/Counterclaim Defendants, by and through their attorneys of record, Garibian Law Offices, P.C., submit the following in response to Defendants'/Counterclaim Plaintiffs' Counterclaim:

COUNTERCLAIM

203. Denied as stated. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.
204. Plaintiffs/Counterclaim Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in this paragraph. To the extent a response is required, the allegations are denied.
205. Plaintiffs/Counterclaim Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in this paragraph. To the extent a response is required, the allegations are denied.

206. Denied. Further answering, in early 2020, not only did defendant Rosen discuss these issues with Plaintiff Carty, but he stated to Carty “you can post whatever you want on Steem or any other site and say whatever you want in any other channels...” Further answering, it was only after the aforementioned statements by defendant Rosen did Reich express any concerns with any statements made by Defendant Carty. Defendant Carty informed Reich that Rosen had discussed this with Carty and that Rosen had permitted, authorized and consented to Carty’s statements “in any other channels” and that Rosen had no opposition to Carty expressing his opinions in other fora, without restriction. Reich never responded, leaving Carty to reasonably believe that there was no issue and that his statements were acceptable.

207. Denied as stated. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

208. Plaintiffs/Counterclaim Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in this paragraph. To the extent a response is required, the allegations are denied.

209. Plaintiffs/Counterclaim Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in this paragraph. To the extent a response is required, the allegations are denied.

210. Denied as stated. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

211. (a)-(j) Denied as stated. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in this paragraph. To the extent a response is required, the allegations are denied. To the extent statements were made,

Plaintiffs/Counterclaim Defendants deny their falsity and deny Defendants'/Counterclaim Plaintiffs' disingenuous claims. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

212. Denied as stated. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

213. Denied as stated. This paragraph refers to a document, and Plaintiffs/Counterclaim Defendants do not concede the relevance or authenticity of same. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

214. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

215. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

216. Denied as stated. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in this paragraph. To the extent a response is required, the allegations are denied.

217. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

218. Plaintiffs/Counterclaim Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in this paragraph. To the extent a response is required, the allegations are denied.

219. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

220. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

221. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

222. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

223. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

224. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

It is admitted only that Defendants/Counterclaim Plaintiffs have made a counterclaim.

COUNTERCLAIM

DEFAMATION

225. Plaintiffs/Counterclaim Defendants incorporate the averments above as if fully stated at length herein.

226. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

227. Denied. Plaintiffs/Counterclaim Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in this paragraph. To the extent a response is required, the allegations are denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

228. (a) – (e) Denied. Plaintiffs/Counterclaim Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in this paragraph. To the extent a response is required, the allegations are denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

229. Denied. Plaintiffs/Counterclaim Defendants lack knowledge and information sufficient to form a belief as to the truth of the speculative, baseless and conclusory allegations set forth in this paragraph. To the extent a response is required, the allegations are denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

230. Denied. Plaintiffs/Counterclaim Defendants lack knowledge and information sufficient to form a belief as to the truth of the speculative, baseless and conclusory allegations set forth in this paragraph. To the extent a response is required, the allegations are denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

231. Denied. Plaintiffs/Counterclaim Defendants lack knowledge and information sufficient to form a belief as to the truth of the speculative, baseless and conclusory allegations set forth in this paragraph. To the extent a response is required, the

allegations are denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

232. Denied. Plaintiffs/Counterclaim Defendants lack knowledge and information sufficient to form a belief as to the truth of the speculative, baseless and conclusory allegations set forth in this paragraph. To the extent a response is required, the allegations are denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

233. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

234. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

235. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

236. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

237. (a) – (e) Denied. Plaintiffs/Counterclaim Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations set forth in this paragraph. To the extent a response is required, the allegations are denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

238. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

239. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

240. Denied. The allegations are further denied as conclusions of law and Defendants/Counterclaim Plaintiffs will be required to provide strict proof thereof at trial.

WHEREFORE, Plaintiffs/Counterclaim Defendants respectfully request that this Court enter judgment in their favor and against Defendants/Counterclaim Plaintiffs and dismiss the Counterclaim, and grant Plaintiffs/Counterclaim Defendants their reasonable costs and fees, including but not limited to attorneys' fees, and any additional relief that the Court deems appropriate and justified.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Counterclaim fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The Counterclaim is barred, in whole or in part, by the doctrine of waiver.

THIRD AFFIRMATIVE DEFENSE

To the extent the statements complained of are attributable to Plaintiffs/Counterclaim Defendants, they cannot be the basis for a defamation action because the statements are true.

FOURTH AFFIRMATIVE DEFENSE

No act or omission on the part of Plaintiffs/Counterclaim Defendants either caused or contributed to whatever injury (if any) Defendants/Counterclaim Plaintiffs may have suffered.

FIFTH AFFIRMATIVE DEFENSE

Defendants/Counterclaim Plaintiffs lack standing.

SIXTH AFFIRMATIVE DEFENSE

The Counterclaim is barred under the substantial truth doctrine.

SEVENTH AFFIRMATIVE DEFENSE

The Counterclaim failed because the statements complained of contain no provably false assertions of fact.

EIGHTH AFFIRMATIVE DEFENSE

The Counterclaim is barred by the statute of limitations.

NINTH AFFIRMATIVE DEFENSE

The Counterclaim is barred by the doctrine of laches.

TENTH AFFIRMATIVE DEFENSE

The Counterclaim is barred by the doctrine of estoppel.

ELEVENTH AFFIRMATIVE DEFENSE

The Counterclaim is barred by Defendants'/Counterclaim Plaintiffs' failure and inability to prove that any conduct of Plaintiffs/Counterclaim Defendants were the proximate cause of any damages allegedly suffered by Defendants/Counterclaim Plaintiffs.

TWELFTH AFFIRMATIVE DEFENSE

The Counterclaim is barred by Defendants'/Counterclaim Plaintiffs' failure and inability to prove that Plaintiffs/Counterclaim Defendants actually suffered the damages alleged in the Counterclaim.

THIRTEENTH AFFIRMATIVE DEFENSE

The Counterclaim is barred to the extent that any statements cannot be attributed to either of the Plaintiffs/Counterclaim Defendants.

FOURTEENTH AFFIRMATIVE DEFENSE

The Counterclaim is barred insofar as Defendants'/Counterclaim Plaintiffs request for punitive damages is baseless, frivolous and unsupported by any facts plead.

FIFTEENTH AFFIRMATIVE DEFENSE

The Counterclaim is barred by the fact that the statements at issue were true, were a statement of opinion, were made with the consent of Counterclaim Plaintiffs, and were subject to either an absolute or qualified privilege.

WHEREFORE, Plaintiffs/Counterclaim Defendants respectfully request that this Court enter judgment in their favor and against Defendants/Counterclaim Plaintiffs and dismiss the Counterclaim, and grant Plaintiffs/Counterclaim Defendants their reasonable costs and fees, including but not limited to attorneys' fees, and any additional relief that the Court deems appropriate and justified.

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